



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,424	01/23/2002	Daisuke Furumatsu	SEL 300	7907

7590 07/19/2005

COOK, ALEX, McFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
SUITE 2850
200 WEST ADAMS STREET
CHICAGO, IL 60606

EXAMINER

COBY, FRANTZ

ART UNIT	PAPER NUMBER
----------	--------------

2161

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,424

Applicant(s)

FURUMATSU, DAISUKE

Examiner

Frantz Coby

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is in response to communication from the United States Patent and trademark Office mailed on June 28, 2005 informing the Applicant that the above identified application is being withdrawn from issue pursuant to 37 CFR 1.313. Specifically, the application is being withdrawn to permit reopening of prosecution, because the application contains at least one claim that is unpatentable.

Status of Claims

Claims 1-14 are pending.

After further search and reconsideration of the present Application, the Office has found new references U.S. Publication 2001/0042032 A, Crawshaw et al. and U.S. Patent no. 6,338,097 reads on the claims (Claims 1-14). In view of the newly found reference, the indication of allowable subject matter is withdrawn and a new ground of rejection is set forth below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by Crawshaw U.S. Patent Publication 2001/00,42032 A.

As per claim 5 Crawshaw et al. discloses "a work data management method" by providing a system for capturing, processing tracking and reporting time and expense data (See Crawshaw et al. Title, Abstract; Fig. 1A and corresponding text) comprising: "inputting a user ID and a password through a terminal connected to a network; identifying an employee based on data stored in a database using the user ID and the password, and checking manipulable processing contents of the employee" (see Crawshaw et al. Page 5, Section 0043; Page 6, Section 0054); "displaying, on the terminal, a picture that urges the employee to input a work data; checking appropriateness of an input work data, and storing the input work data in a work data list master if the input work data is judged appropriate, and storing, in a work data list master, the work data for which an approval authority processing manipulation has completed" (See Crawshaw et al. Figures 3A-3B, Page 7, Section 0055).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication 2001/00,42032 A, Crawshaw et al. ("the '032 application") in view of U. S. Patent no. 6,338,097 issued to Krenzke et al. ("the '097 patent").

With respect to claim 1, the '32 application teaches a work data management system by providing a system for capturing, processing tracking and reporting time and expense data (See Crawshaw et al. Title, Abstract; Fig. 1A and corresponding text) comprising: a terminal through which to input a work data (Fig. 1A , 80); a database (Fig. 1A, 42, 44; page 4, col. 1, [035]); a server (Fig. 1A, 10) comprising a Web server (Fig. 1A, 50) and a Web application (Fig. 1A, 30, 32), wherein the terminal, the database, and the Web server are connected to a network (Fig. 1A), and wherein the Web application checks whether data input (page 6, col. 2, [0054 thru page 7, col. 1, [0055]) through the terminal agrees with corresponding data stored in the database, and stores the input data in the database if the input data is acknowledged.

The database of Crawshaw et al can obviously stored or comprised "at least one selected from the group consisting of an employee data master, a substitute attendance

master, a unit/group master, a job master, a work data list master, a work management section master, a paid holiday master, and a company holiday master” since the database stores **external time, expense data and account data** (page 4, col. 2, [040]), and wherein the terminal, the database, and the Web server are connected to a network (Fig. 1 A). Although the Crawshaw et al. reference shows a database comprises of **external time, expense data and account data**, the Crawshaw et al. reference does not expressly show a database comprising at least one selected from the group consisting of an employee data master, a substitute attendance master, a unit/group master, a job master, a work data list master, a work management section master, a paid holiday master, and a company holiday master as recited in the instant claim 11. It is noted, however, these differences are only found in the nonfunctional descriptive material and do not alter how the work management system functions (i.e., the descriptive material does not reconfigure the work management system). Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to store any type of data in the database because such data does not alter how the database functions and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

It is further noted, the '032 application, in page 6, col. 2, paragraph 0054, checks or validates inputted data by comparing the inputted data with the data stored in a

Art Unit: 2161

database (see paragraph 0054, "the application server validates the company identification, user identification, and password "; see also page 6, col. 1, par. [0050]) data entered by a user with the data stored in a database, but does not explicitly indicate that the data is stored after validation. The '097 patent, on the other hand, an analogous art, teaches checking entered data and storing the data only it passes the checking step. See page 7, lines 13-22. In other words, in the '097 patent data is stored only when it is acknowledged.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the verification step of the '097 patent in the '032 application because the '097 can be used in a system similar to the one of the '032 application (see '097 patent, col. 3, lines 36-43) and the incorporation would have enhanced the combined system by making it more transparent ('097, col. 2, lines 21-22) and efficient ('097, col. 2, lines 65-671).

As per claims 2-4, most of the limitations of these claims have been noted in the rejection of claim 11. Applicant's attention is directed to the rejection of claim 11 above. In addition, Crawshaw et al. discloses a wide area network, mechanism for inputting data through a personal computer having a web browser, terminal connected to the network (See Crawshaw et al. Figures 1A and 1B).

Claims 6-10, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication 2001/00,42032 A, Crawshaw et al. ("the '032 application").

As per claims 6-10 most of the limitations of these claims have been noted in the rejection of claim 5. The Applicants attention is directed to the rejection of claim 5 above.

It is noted, however, the Crawshaw et al. reference does not expressly show storing of data for end of the month processing manipulation, data for end of the month approval authority, data for general affairs department end of the month, and data for final protection processing manipulation as recited in the instant claim 6. It is noted, however, these differences are only found in the nonfunctional descriptive material and do not alter how the work management system functions (i.e., the descriptive material does not reconfigure the work management system). Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to store any type of data in the database because such data does not alter how the database functions and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

With respect to claim 11, the '32 application teaches a work data management system by providing a system for capturing, processing tracking and reporting time and expense data (See Crawshaw et al. Title, Abstract; Fig. 1A and corresponding text) comprising: a terminal through which to input a work data (Fig. 1 A , 80); a database

(Fig. 1A, 42, 44; page 4, col. 1, [035]). The database of Crawshaw et al can obviously stored or comprised "at least one selected from the group consisting of an employee data master, a substitute attendance master, a unit/group master, a job master, a work data list master, a work management section master, a paid holiday master, and a company holiday master" since the database stores **external time, expense data and account data** (page 4, col. 2, [040]), and wherein the terminal, the database, and the Web server are connected to a network (Fig. 1 A). Although the Crawshaw et al. reference shows a database comprises of **external time, expense data and account data**, the Crawshaw et al. reference does not expressly show a database comprising at least one selected from the group consisting of an employee data master, a substitute attendance master, a unit/group master, a job master, a work data list master, a work management section master, a paid holiday master, and a company holiday master as recited in the instant claim 11. It is noted, however, these differences are only found in the nonfunctional descriptive material and do not alter how the work management system functions (i.e., the descriptive material does not reconfigure the work management system). Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to store any type of data in the database because such

data does not alter how the database functions and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

As per claims 12-14, most of the limitations of these claims have been noted in the rejection of claim 11. Applicant's attention is directed to the rejection of claim 11 above. In addition, Crawshaw et al. discloses a wide area network, mechanism for inputting data through a personal computer, terminal connected to the network (See Crawshaw et al. Figures 1A and 1B).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz Coby whose telephone number is 571 272 4017. The examiner can normally be reached on Monday-Saturday 3:00PM-10:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571 272 4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


FRANTZ COBY
PRIMARY EXAMINER

July 13, 2005